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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/022,132	02/11/98	D'ACHARD J	PHN-16.219

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EXAMINER	
WHITE, C	
ART UNIT	**PAPER NUMBER**
3713	

DATE MAILED: 04/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Offic Action Summary	Application No.	Applicant(s)	
	09/022,132	D'ACHARD, JOHANNES F.M.	
	Examiner	Art Unit	
	Carmen D. White	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☒ Responsive to communication(s) filed on *25 February 2000* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4 and 6-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

1.☐ received.

2.☐ received in Application No. (Series Code / Serial Number) _____ .

3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) ☐ Notice of References Cited (PTO-892)
15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
17) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
18) ☐ Notice of Informal Patent Application (PTO-152)
19) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslow in view of Hogan et al or Weiss.

Regarding claims 1 and 6, Breslow discloses a video game system that enables a player to interact with the gaming environment (fig. 4d), detects a score of the player (figure 4d, #66), feeds into the gaming environment a representation of the score in visual form through an item that identifies the player in question (figure 4e), and a camera means for taking up a video image of the player in question (figure 2, #14). Breslow lacks disclosing a system in which video imagery can be suppressed and not transmitted. Instead Breslow discloses a video game discloses a video game in which the image of a player is incorporated into a single game and viewed by subsequent players. Hogan et al or Weiss in the analogous system of video imagery discloses the feature of allowing a user to suppress the transmission of a video image of the user to other users in the event the user does not want to be viewed (Hogan et al- col. 1, lines 34-44; Weiss- col. 6, lines 30-55 and col. 8, lines 52-56). The art benefits from the

video imagery system of Hogan et al or Breslow because it allows the users an option of whether or not to be Breslow discloses the limitations of the claim as discussed above. viewed by others. This is highly beneficial in cases where a user does not feel presentable or has disfigurations that he/she does not want others to see. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suppression feature of Hogan et al or Weiss in the invention of Breslow.

Regarding claims 2 and 7, Breslow discloses the limitations as discussed above. Breslow further includes the feature of ranking the players and displaying an image of one or more high–ranking players (figure 4e, #76 and #78).

Regarding claim 4, Breslow discloses the limitations as discussed above, further including the composite image of the player and one or more selected items (figure 4c and figure 4d).

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breslow in view of Sitrick ('014).

Regarding claims 3 and 8, Breslow in view of Hogan or Weiss discloses the limitations of the claim as discussed above. Breslow lacks in disclosing the feature of a multiple player environment in which the video image is transmitted to multiple players. Instead Breslow discloses a video game discloses a video game in which the image of a player is incorporated into a single game and viewed by subsequent players. In an analogous video gaming system, Sitrick ('014) discloses transmitting of a player's video

image to the display of other players (column 1, lines 34-49). The art benefits from the visual interaction of multiple players as taught by Sitrick ('014) because it makes the game more exciting for players. One skilled in the art would understand Breslow's teaching as being a video game system that allows for multiple players to interact other players involved in the game via player video imagery. It would have been obvious to one of ordinary skill at the time of the invention to include multiple player feature of Sitrick ('014) in the invention of Breslow to make a video game more challenging and enticing for players.

Examiner's Response to Applicant's Arguments

4. Applicant argues that it is improper to combine the teachings of Breslow with the teachings of Hogan or Weiss. Applicant further argues that Breslow, Hogan and Weiss are concerned with different and unrelated problems. Examiner disagrees with Applicant's argument. Section 2144 (Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103) of the MPEP states:

> "The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rational may be expressly or impliedly containied in the prior art or it may be reasoned from knowledge generally available to one of ordinary skill in the art..."

Examiner asserts that Breslow et al, Weiss and Hogan et al are all concerned with the capture and display of a video image. Although Hogan et al and Weiss are not concerned with video imaging in a gaming environment, the references still achieve the common goal of capturing and displaying a person's image. Examiner uses the reasoning that a person of ordinary skill in the art at the time of the invention would

employ the video imaging system Hogan et al or Weiss in the video imaging system of the video game of Breslow et al to a system that allows players in a video game to suppress the sending of a video image of him/herself. Examiner has further provided a statement of reasoning for the advantages of implementing the image suppression system of Hogan et al or Weiss in the video gaming system of Breslow (see above claim rejections). Examiner has met the burden of providing some suggestion of the desirability of doing what the inventor has done and presented a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references (as stated in 706,02((j)- Contents of a 35 U.S.C. 103 Rejection). Therefore Examiner maintains the rejection of claims 1-4 and 6-8.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday-Friday, 8:30 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-308-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

Carmen White
Patent Examiner

March 29, 2000

JESSICA J. HARRISON
PRIMARY EXAMINER